THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 27930 of 2007

Date: 27.12.2007

Between:

Thammali Venkatesh and another.

..... PETITIONERS

AND

The District Registrar, Ranga Reddy District,
Moosapet, R.R. District and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 27930 of 2007

Order:

The petitioners state that their father purchased the property admeasuring Ac.0.09 gts., Ac.0.08 gts., Ac.0.18 gts., Ac.0.20 gts., Ac.3.30 gts., Ac.8.16 gts., and Ac.4.31 gts., in Survey Nos.259, 260, 936, 937, 1373, 1375 and 1376 respectively, situated at Dhobipet village, Shankarpally Mandal, Ranga Reddy District. The case of the petitioners is that after the death of their father, they filed a suit in O.S. No. 27 of 2002 on the file of the Senior Civil Judge, Vikarabad, against their stepbrothers i.e., respondent Nos.3 to 5 for partition of the said properties, and the said suit was decreed. Against the said decree, respondent Nos.3 to 5 filed an appeal being A.S. No. 269 of 2006 on the file of the

VI Additional District and Sessions Judge, Vikarabad, which was allowed. Aggrieved by the same, the petitioners preferred second appeal in S.A. No. 1348 of 2007, and this Court, while admitting the same, granted interim injunction orders restraining respondent Nos.3 to 5 herein from alienating, creating any third party rights or changing the nature of the property in question. Now the grievance of the petitioners is that though the matter is pending before the Civil Court, and there is an injunction order against respondent Nos.3 to 5, they are trying to execute a sale deed in favour of respondent Nos.6 and 7 in respect of the property in question. Hence, they filed the present writ petition seeking to direct respondent No.2 not to entertain the document to be produced by respondent No.3 to 5 in respect of the property in question.

Heard the learned counsel for the petitioners and the learned Government pleader for Revenue.

According to the petitioners' own admission, there is a civil dispute pending between them and respondent Nos. 3 to 5 in respect of the property in question. The contention of the petitioners is that though the matter is pending before the Civil Court, and there is an injunction order against respondent Nos. 3 to 5, they are trying to execute a sale deed in favour of third parties, and therefore, they made a request to respondent No.2 not to entertain the document to be produced by respondent Nos. 3 to 5, but in vain. Pendency of civil dispute is not a ground for the petitioners to seek a direction to respondent No.2 not to entertain and register the sale deed to be presented by respondent Nos. 3 to 5 executed by them in favour of any third parties, in respect of the property in question. It is settled law that respondent No.2 is merely a registering authority, and he having not been vested with the power of deciding title disputes, can do nothing, but register the sale deeds that are presented before him. Since the property in question is said to be subject matter of civil dispute before the Civil Court, any alienation by respondent Nos. 3 to 5 and purchase thereof by third parties, would be at their risk and peril, and if the petitioners are aggrieved by the action of respondent Nos.3 to 5, they may move the competent Civil Court, for indemnification or for any other relief, but, certainly, not this Court.

Hence, the writ petition is not maintainable, and the same is accordingly dismissed, granting liberty to the petitioners to avail the remedies available to them under law. No costs.

_____

N.V. RAMANA, J.

Date: 27.12.2007
Nsr